

Division of Solid and Hazardous Waste
P.O. Box 414 401 East State Street
Trenton, New Jersey 08625-0414
Telephone: (609) 984-6880 Telecopier: (609) 984-6874
<http://www.state.nj.us/dep/dshw>

RECYCLING CENTER GENERAL APPROVAL

Under the provisions of N.J.S.A. 13:1E-1 *et seq.* and N.J.S.A. 13:1E-99.11 *et seq.* known as the Solid Waste Management Act and the New Jersey Statewide Mandatory Source Separation and Recycling Act, respectively, and pursuant to N.J.A.C. 7:26A-1 *et seq.* known as the Recycling Rules, this General Approval is hereby issued to:

NATURE'S CHOICE ACQUISITION COMPANY

FACILITY TYPE: Recycling Center
LOT NO.: 6 (portion of) & 7
BLOCK NO.: 905
MUNICIPALITY: Upper Deerfield Township
COUNTY: Cumberland
FACILITY REGISTRATION NO.: 0601001450

This general approval is subject to compliance with all conditions specified herein and all regulations promulgated by the Department of Environmental Protection.

This general approval shall not prejudice any claim the State may have to riparian land, nor does it allow the holder to fill or alter, or allow to be filled or altered, in any way, lands that are deemed to be riparian, wetlands, stream encroachment areas or flood plains, or that are within the Coastal Area Facility Review Act (CAFRA) Zone or subject to the Pinelands Protection Act of 1979, nor shall it allow the discharge of pollutants to waters of this State without prior acquisition of the necessary grants, permits or approvals from the Department of Environmental Protection.

May 8, 2003
Issuance Date

Thomas Sherman
Assistant Director
Office of Permitting & Technical Programs

July 26, 2005
Expiration Date

Table of Contents

<u>Item</u>	<u>Page</u>
Scope of Approval	3
Regulated Activities at the Facility	3
Facility Description	3
Section I - General Conditions Applicable to All Recycling Centers	4
1. Duty to Comply	4
2. Duty to Post a Sign	4
3. Duty to Reapply	4
4. Approval Modifications	5
5. Approval Revocation	6
6. Transfers	7
7. Operating Record and Reporting Requirements	7
8. Conformance to District Solid Waste Management Plan	9
9. Uniform Construction Code	9
10. Right of Entry	9
Section II - General Operating Requirements	11
1. General Operating Requirements for All Recycling Centers	11
2. General Operating Requirements for Recycling Centers Composting Yard Trimmings	12
Section III - Specific Conditions Applicable to the Recycling Center	16
1. Approved Recyclable Materials	16
2. Contaminants	16
3. Approved Designs, Plans and Reports	16
4. Approved Operations	19
5. Performance Bond	26
6. Remediation of Site	26

Scope of Approval

This approval, along with the referenced application documents herein specified, shall constitute the sole Recycling Center General Approval for the operation of a Class C recycling center for yard trimmings by Nature's Choice Acquisition Company (holder) located in Upper Deerfield Township, Cumberland County, New Jersey. Any registration, approval or permit previously issued by the Division of Solid and Hazardous Waste or its predecessor agencies is hereby superseded.

This general approval does not convey any property rights of any sort, or any exclusive privilege. Failure to comply with all of the conditions specified herein may result in revocation of this approval and/or may result in such other regulatory or legal actions that the Department is authorized by law to institute, including but not limited to, civil and administrative penalty assessments.

Regulated Activities at the Facility

Section I of this approval contains the general conditions applicable to all recycling centers. Section II of this approval contains general operating requirements for all recycling centers for receipt, storage, processing or transfer of Class C recyclable materials. Section III of this approval contains specific conditions applicable to the operations of the facility.

Facility Description

The facility is a private compost facility operated by Nature's Choice Acquisition Company for use as a regional site. The facility is located at 1310 Route 77, Bridgeton in Cumberland County. This regional facility receives leaves, grass, and brush (up to 1 inch in diameter) from municipalities, farms, yard trimmings brokers and landscapers. The facility is authorized to accept and process yard trimmings for composting, Monday through Saturday. All materials delivered to the site are composted until they have reached a stable form. The stabilized compost is then screened to remove any non-compostable material.

The facility is also utilized for finished compost storage and equipment storage as shown on the site plan. The facility markets compost in bulk form from the site.

Section I - General Conditions Applicable to All Recycling Centers

1. Duty to Comply

Pursuant to N.J.A.C. 7:26A-3.1(a), all persons issued a general approval to operate a recycling center for Class B, Class C and/or Class D recyclable material pursuant to N.J.A.C. 7:26A-1 *et seq.* shall comply with all conditions of the approval.

2. Duty to Post a Sign

Pursuant to N.J.A.C. 7:26A-3.5(f), the holder of this general approval shall prominently post and maintain a legible sign, at or near the entrance to the recycling center, indicating that the recycling center is an approved New Jersey Department of Environmental Protection recycling center. The sign shall also indicate the following:

Hours of operation of the recycling center;
Listing of the source separated materials to be received;
The size, weight, or other restrictions regarding materials to be received;
The maximum amount of contaminants allowed in each load;
Warning that loads will be inspected and will be barred from offloading if the contaminant level is exceeded; and
Notice that the person offloading shall certify the amount of material per load, municipality of origin of the material and any other information contained on the Recyclable Material Receipt Form.

3. Duty to Reapply

- (a) Pursuant to N.J.A.C. 7:26A-3.6(a), application for renewal of this general approval shall be submitted at least three months prior to expiration of the current approval and shall comply with all requirements for renewal set forth in N.J.A.C. 7:26A-3.6 *et seq.* One copy of the application for renewal of the general approval shall be submitted by the applicant to the municipal clerk of the municipality in which the recycling center is located, and to the solid waste or recycling coordinator of the county in which the recycling center is located.
- (b) Pursuant to N.J.A.C. 7:26A-3.6(b), the applicant for renewal of this general approval shall certify in writing to the Department that there have been no changes in the operations of the recycling center since the issuance of the general approval in order to renew the approval in its existing form. In the event that there have been changes in the operations of the recycling center or where changes are planned, the application for

renewal of a general approval shall be accompanied by a written request to modify the general approval in accordance with N.J.A.C. 7:26A-3.10.

- (c) Pursuant to N.J.A.C. 7:26A-3.6(c), in a case where the holder of this general approval does not comply with conditions 3(a) and (b) of this section and continues to operate without renewal of the general approval, the Department may take actions which include, but are not limited to, the following:
 - (1) Appropriate enforcement action including the assessment of penalties under N.J.S.A. 13:1E-9; and
 - (2) Require the holder of this general approval to file an application as a new applicant for a general approval in accordance with N.J.A.C. 7:26A-3.2 and pay the application fee as per N.J.A.C. 7:26A-2.
- (d) Pursuant to N.J.A.C. 7:26A-3.6(h), all persons granted a renewal pursuant to N.J.A.C. 7:26A-3.6(d) shall continue to pay the annual fee as specified in N.J.A.C. 7:26A-2.

4. Approval Modifications

- (a) Pursuant to N.J.A.C. 7:26A-3.10(a), the holder of this general approval shall obtain prior approval from the Department for any modification of the general approval.
- (b) Pursuant to N.J.A.C. 7:26A-3.10(b), modifications to the general approval to operate a recycling center which require the prior approval of the Department include the following:
 - (1) Any change affecting the conditions of this general approval; and
 - (2) Any change to the information submitted pursuant to N.J.A.C. 7:26A-3.2(a), 3.4, 3.8, 3.18 or 3.19, except that changes in end-market information submitted pursuant to N.J.A.C. 7:26A-3.2(a) 7 shall not require the prior approval of the Department but shall be handled in accordance with condition 4(e) of this section.
- (c) Pursuant to N.J.A.C. 7:26A-3.10(c), the holder of this general approval shall notify the Department in writing of the intended modification and shall update the information submitted pursuant to N.J.A.C. 7:26A-3.2(a), 3.4, 3.8, 3.18 or 3.19. The holder of this general approval shall also provide written notice to the solid waste or recycling coordinator of the applicable county of any request to modify a general approval.
- (d) Pursuant to N.J.A.C. 7:26A-3.10(e), the holder of this general approval shall not institute the modification until it receives written approval from the Department.
- (e) Pursuant to N.J.A.C. 7:26A-3.10(f), within one week of any change to the end-market information submitted to the Department pursuant to N.J.A.C. 7:26A-3.2(a)7, the holder

of this general approval shall submit to the Department a written notification which details any change in the use of the recyclable material transferred from the recycling center to an end-market or in the end-market location to which the recyclable material is transferred. The written notification shall be sent to:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
Office of Permitting and Technical Programs
P.O. Box 414
Trenton, New Jersey 08625-0414

5. Approval Revocation

Pursuant to N.J.A.C. 7:26A-3.13(a), the Department may revoke this general approval upon a determination that the holder of the general approval has:

- (a) Violated any provision of N.J.S.A. 13:1E-1 *et seq.*, the New Jersey Statewide Mandatory Source Separation and Recycling Act, or any rule, regulation or administrative order promulgated pursuant to N.J.S.A. 13:1E-1 *et seq.* and the New Jersey Statewide Mandatory Source Separation and Recycling Act;
- (b) Violated any solid waste utility law at N.J.S.A. 48:2-1 *et seq.* or 48:13A-1 *et seq.*, or any rule, regulation or administrative order promulgated pursuant to N.J.S.A. 48:2-1 *et seq.* or 48:13A-1 *et seq.*;
- (c) Violated any provision of any laws related to pollution of the waters, air or land surfaces of the State or of any other State or Federal environmental laws including criminal laws related to environmental protection;
- (d) Refused or failed to comply with any lawful order of the Department;
- (e) Failed to comply with any of the conditions of this general approval issued by the Department;
- (f) Transferred a general approval to a new owner or operator pursuant to N.J.A.C. 7:26A-3.15 without the prior approval of the Department;
- (g) Has failed to obtain any required permit or approval from the Department or other State or Federal agency; or
- (h) Has committed any of the acts which are criteria for denial of a general approval set forth in N.J.A.C. 7:26A-3.11.

6. Transfers

- (a) Pursuant to N.J.A.C. 7:26A-3.15(a), this general approval shall not be transferred to a new owner or operator without the Department's prior approval.
- (b) Pursuant to N.J.A.C. 7:26A-3.15(a)1, a written request for permission to allow a transfer of this general approval must be received by the Department at least 60 days in advance of the proposed transfer of ownership or operational control of the recycling center. The request for approval shall include the following:
 - (1) The name, address and social security number of all prospective new owners or operators;
 - (2) A written certification by the proposed transferee that the terms and conditions contained in the general approval will be met by the proposed transferee; and
 - (3) A written agreement between the current owner or operator of the recycling center and the proposed new owner or operator containing a specific future date for transfer of ownership or operational control.
- (c) Pursuant to N.J.A.C. 7:26A-3.15(a)2, a new owner or operator may commence operations at the recycling center only after the existing approval has been revoked and a new approval is issued to the new owner or operator pursuant to N.J.A.C. 7:26A-3.5.
- (d) Pursuant to N.J.A.C. 7:26A-3.15(a) 3, the holder of this general approval remains liable for ensuring compliance with all conditions of the approval unless and until the existing approval is revoked and a new approval is issued to the new owner or operator pursuant to N.J.A.C. 7:26A-3.5.
- (e) Pursuant to N.J.A.C. 7:26A-3.15(a)4, compliance with the transfer requirements set forth in this subsection shall not relieve the holder of this general approval from the separate responsibility of providing notice of such transfer pursuant to the requirements of any other statutory or regulatory provision.
- (f) Pursuant to N.J.A.C. 7:26A-3.15(b), the transfer of a controlling interest in the stock or assets of the recycling center that is the subject of this general approval shall constitute a transfer of this general approval.

7. Operating Record and Reporting Requirements

- (a) Pursuant to N.J.A.C. 7:26A-3.17(a), the holder of this general approval shall maintain daily records of all materials received, stored, processed or transferred. Said records shall indicate, at a minimum:

- (1) A daily record of the amounts of each recyclable material by type and municipality of origin which are received, stored, processed or transferred each day, expressed in tons, cubic yards, cubic feet or gallons. Those operators specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons;
 - (2) The name, address and telephone number of the end-markets for all recyclable materials transported from the recycling center, including the amounts, in tons, cubic yards, cubic feet or gallons, transported to each end-market. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons; and
 - (3) The amount of residue disposed of, expressed in tons, cubic yards, cubic feet or gallons, including the name and New Jersey Department of Environmental Protection solid waste registration number of the solid waste collector/hauler contracted to provide the haulage/disposal service. Those persons specifying the amount of residue in cubic yards shall also indicate the conversion ratio of the residue from cubic yards to tons.
- (b) Pursuant to N.J.A.C. 7:26A-3.17(b), the holder of this general approval shall retain the information required pursuant to N.J.A.C. 7:26A-3.2(a)16iii for three calendar years following the calendar year for which reporting is required pursuant to condition 7(c) of this section.
- (c) Pursuant to N.J.A.C. 7:26A-3.17(c), the holder of this general approval shall submit an annual report containing monthly summary statements of the information required pursuant to in condition 7(a) of this section to the New Jersey Department of Environmental Protection, Division of Solid and Hazardous Waste, on or before March 1 of each year, for the previous calendar year. The summaries shall include the following:
- (1) Monthly totals of the amount of recyclable material received from each customer by municipality of origin;
 - (2) Monthly totals of the amount of recyclable product transferred to each end-market; and
 - (3) The amount of residue disposed of during each month.
- (d) Pursuant to N.J.A.C. 7:26A-3.17(e), the holder of this general approval shall certify in writing to the Department that all residue generated at the recycling center has been disposed of in accordance with the solid waste management rules at N.J.A.C. 7:26. The certification shall be submitted annually as part of the annual report required at condition 7(c) of this section.

- (e) Pursuant to N.J.A.C. 7:26A-3.17(f), all information submitted to the Department pursuant to conditions 7(a) through (d) of this section shall be handled in accordance with the requirements of the Public Records law, N.J.S.A. 47:1-1 *et seq.* The Department will hold confidential all end-market information, as well as information pertaining to the municipality of origin of recyclable material, submitted pursuant to N.J.A.C. 7:26A-3.2, 3.7, and 3.17 through 3.20 for a period of two years from the date on which the information is submitted to the Department, where specified as confidential by the applicant and where there are no health, safety or environmental concerns which require the release of the information, as determined by the Department.
- (f) Pursuant to N.J.A.C. 7:26A-4.4 (a), the holder of this general approval shall provide a recycling tonnage report by February 1 of each year to all municipalities from which recyclable material is received in the previous calendar year. The report shall detail the amount of each source separated recyclable material, expressed in tons or cubic yards, brought to the recycling center, as well as the date on which the recyclable materials were delivered to the recycling center. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.

8. Conformance to District Solid Waste Management Plan

Pursuant to N.J.A.C. 7:26A-4.2, the recycling center shall not commence operations unless and until it is included in the applicable district solid waste management plan.

9. Uniform Construction Code

Pursuant to N.J.A.C. 7:26A-4.1(b), the construction of the recycling center that is the subject of this general approval shall be in conformance with the New Jersey Uniform Construction Code, N.J.S.A. 52:27D-119 *et seq.*, and the rules promulgated pursuant thereto.

10. Right of Entry

- (a) Pursuant to N.J.A.C. 7:26A-4.3(a), the New Jersey Department of Environmental Protection or an authorized representative acting pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-1 *et seq.* shall have the right to enter and inspect any building or other portion of the recycling center at any time in order to determine compliance with the provisions of all applicable laws or rules and regulations adopted pursuant thereto. This right to inspect includes, but is not limited to:
 - (1) Sampling any materials on site;
 - (2) Photographing any portion of the recycling center;

- (3) Investigating an actual or suspected source of pollution of the environment; and,
 - (4) Ascertaining compliance or non-compliance with the statutes, rules or regulations of the Department, including conditions of the recycling center approval issued by the Department.
- (b) Pursuant to N.J.A.C. 7:26A-4.3(b), the right of entry specified in condition 10(a) of this section shall be limited to normal operating hours for the purpose of reviewing and copying all applicable records, which shall be made available to the Department during an inspection and submitted to the Department upon request.

End of Section I

Section II - General Operating Requirements

1. General Operating Requirements for All Recycling Centers

Pursuant to N.J.A.C. 7:26A-4.1(a), the recycling center shall be operated in compliance with the following operational standards:

- (a) All recyclable materials received, stored, processed or transferred at the recycling center shall conform to the following criteria:
 - (1) The recyclable materials shall have been separated at the point of generation from other waste materials or separated at a permitted solid waste facility authorized to separate recyclable materials from the incoming waste stream;
 - (2) The recyclable materials shall consist only of recyclable materials which the Department has approved at Section III of this general approval, pursuant to N.J.A.C. 7:26A-3, for receipt, storage, processing or transfer at the recycling center; and
 - (3) Recyclable materials may be commingled to the extent authorized in this general approval in Section III.
- (b) Residue shall not be stored on site for a period in excess of six months;
- (c) All residue shall be removed from the recycling center site in accordance with each district's waste plan;
- (d) All residue shall be stored separately from recyclable material and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area;
- (e) The operation and related activities of the recycling center shall be in conformance with all applicable Federal and State laws and regulations;
- (f) The recycling center shall be operated in such a manner that the recycling center property is maintained free of litter and debris and such that tracking of mud into nearby streets is prevented;
- (g) Traffic associated with the operation of the recycling center shall not result in an unacceptable decrease in the existing level of service described and defined in the New Jersey Department of Transportation Highway Access Management Code at N.J.A.C. 16:47 of any major intersection or public roadway within a one-half mile radius of the recycling center;

- (h) Recycling center operations shall be separated from any and all adjacent residential, commercial and/or other sensitive land uses through the establishment of an effective visual screen buffer;
- (i) The entrance to the access road shall be fenced or otherwise secured to prevent unauthorized access to the site;
- (j) To provide sufficient support for vehicles, to prevent the tracking of soil onto public roads and to minimize the generation of dust, those areas of the recycling center subject to vehicular usage shall be suitably compacted and where necessary paved; and
- (k) An adequate water supply and fire-fighting equipment shall be readily available to extinguish any fires. The telephone number of the local fire department shall be posted at the entrance to the recycling center.

2. General Operating Requirements for Recycling Centers Composting Yard Trimmings

- (a) Pursuant to N.J.A.C. 7:26A-3.8(c), a fire control plan for the recycling center shall be filed with and approved by the local fire official or other person of competent jurisdiction and shall be filed with the local municipal code enforcement officer prior to operating the recycling center.
- (b) Pursuant to N.J.A.C. 7:26A-4.5(a) the recycling center shall be operated in compliance with the following:
 - (1) Operation of the recycling center shall be under the supervision and control of a properly trained individual during all hours of operation, and access to the recycling center shall be prohibited when the recycling center is closed.
 - (2) Yard trimmings shall be received only during times when the recycling center operator or owner is present.
 - (3) All yard trimmings delivered to the recycling center for processing shall be removed from bags, boxes or similar containers prior to any processing steps except that yard trimmings in biodegradable bags need not be removed from such bags if the processing equipment provides for a shredding or cutting action. All discarded bags, boxes and similar containers shall be placed in a suitable refuse receptacle in the staging area of the recycling center for removal to an off-site disposal facility in accordance with the applicable district waste management plan.

- (4) If the incoming material contains grass, it shall be accepted only in areas of the site that are at least 1,000 feet from any areas of human use or occupancy, and processing of such material shall begin on the day of receipt.
- (5) Recycling centers which provide composting of the Class C recyclable material shall operate in accordance with the following:
 - (i) Within one year of the start up of the recycling center, the recycling center operator shall attend a composting course sponsored by the Rutgers Cooperative Extension, the appropriate county agricultural or resource management agents or any other similar course recognized by the Department.
 - (ii) Prior to windrow formation, dry yard trimmings shall be moistened with water to saturation without producing excessive runoff;
 - (iii) To facilitate drainage and to reduce surface water ponding, each windrow shall be constructed and positioned in such a manner that it is perpendicular to the contours of the ground surface;
 - (iv) A windsock shall be installed at the recycling center in order to indicate wind direction so that the recycling center operator may determine appropriate times for windrow turning operations;
 - (v) The recycling center shall follow the approved method of windrow composting defined in Section III of this general approval;
 - (vi) Finished compost shall be tested once each year, at a minimum, in accordance with monitoring and sampling plan established at Section III of this general approval. Samples of the compost produced at the recycling center shall be analyzed for the parameters listed at Table 1 at the end of this section. Results of all laboratory analysis for each parameter specified shall be recorded and maintained at the recycling center.
 - (vii) The laboratory used to perform the analysis of the finished compost product shall be certified in accordance with N.J.A.C. 7:18 for the equipment and testing procedures required;
- (6) In addition to the record-keeping requirements of N.J.A.C. 7:26A-3.17, the recycling center shall maintain the following records:
 - (i) The quantity of yard trimmings received daily, expressed as cubic yards of leaves, grass and/or brush;
 - (ii) The source of yard trimmings received daily; and

- (iii) The results of laboratory analyses of finished compost, if applicable;
 - (7) The following information shall be made available for inspection by the Department pursuant to N.J.A.C. 7:26A-4.3:
 - (i) The results of compost analyses and name(s) of certified laboratory(ies), if applicable;
 - (ii) The quantity, type and source of incoming material;
 - (iii) The quantity and types of recovered recyclables;
 - (iv) The quantity of disposed residue, and sites receiving residue; and
 - (v) The standard procedures employed to ensure data reliability.
 - (8) The recycling center shall submit to the Department within one year of receipt of its general approval to operate, a final closure plan containing a schedule and description of the steps necessary to close the recycling center including the estimated cost of closure and a description of the means by which the closure will be financed.
 - (9) The recycling center shall notify the Department in writing at least 60 days prior to the proposed closure date for the recycling center.
 - (10) The recycling center shall publish a notice of closure in a newspaper of general circulation in the district where the recycling center is located and in districts or communities sending at least 25 percent of their yard trimmings to the recycling center. Such notice shall be published at least 15 days prior to closure.
 - (11) Within 30 days of ceasing operation, all residuals, unprocessed yard trimmings, and recyclables shall be removed from the site and recycled or disposed as appropriate.
 - (12) The Department shall determine that a recycling center is considered closed when all the requirements of the closure plan have been met.
- (b) Pursuant to N.J.A.C. 7:26-4.5(c), any compost produced by the recycling center shall be subject to the following:
- (1) Compost given away or offered for sale by the recycling center must contain a label describing the recommended safe uses and application rates, and restrictions, if any, on use of the product. If compost is offered for bulk sale, signs or printed literature containing the above information shall be available on the bill of lading to the purchaser or persons receiving the compost.

- (2) Compost given away or offered for sale shall satisfy the general requirements established at 40 C.F.R. Part 503, specifically 40 C.F.R. 503.13(b)(3).

Table I

COMPOST QUALITY MONITORING PARAMETERS

<u>Parameter</u>	<u>Unit</u>	<u>Method</u>
Stability or Maturity		O ₂ Consumption, CO ₂ Respiration, DeWars Self Heating Test, or Other Approved by Department
pH		
Soluble salts		Electrical Conductivity
Regulated parameters:		
Arsenic (As)	mg/kg dry wt.	
Cadmium (Cd)	mg/kg dry wt.	
Chromium (Cr)	mg/kg dry wt.	
Copper (Cu)	mg/kg dry wt.	
Lead (Pb)	mg/kg dry wt.	
Mercury (Hg)	mg/kg dry wt.	
Molybdenum (Mo)	mg/kg dry wt.	
Nickel (Ni)	mg/kg dry wt.	
Selenium (Se)	mg/kg dry wt.	
Zinc (Zn)	mg/kg dry wt.	
Man-Made Inerts > 4 mm and < 13 mm	percent by volume	Sieve Analysis
Film plastic > 4 mm	cm ² /m ³	Sieve Analysis

Notes:

1. Man-made inert material includes glass shards and metal fragments that pose a human and animal safety hazard with unprotected exposure or through direct ingestion.
2. Film plastic can be a potential hazard to small animals through direct ingestion.

End of Section II

Section III - Specific Conditions Applicable to the Recycling Center

1. Approved Recyclable Materials

The following yard trimmings may be received and processed to produce compost at this facility:

Leaves
Grass
Brush (up to 1 inch in diameter)

The listed materials shall not be received in a commingled manner.

2. Contaminants

The maximum amount of contaminants allowed in each load of recyclable materials shall be limited to 1% by volume. The term contaminants in this document shall mean any material that is not included in the Approved Recyclable Materials list identified at condition 1 of this section.

3. Approved Designs, Plans and Reports

- (a) The holder of this general approval shall operate the recycling center and construct or install associated appurtenances thereto, in accordance with the provisions of N.J.A.C. 7:26A-1 *et seq.*, the conditions of this general approval, and the following general approval application documents, which are incorporated herein by reference:
 - (1) Application For Written Approval To Operate The Emerald Grow Products Compost Farm Recycling Center For The Receipt, Storage, Processing And Transfer of Class C Recyclable Material dated March 1999, and revised July 1999.
 - (2) Emerald Grow Products, Inc. letter dated November 22, 1999 submitting additional information in response to the Department's administrative notice of deficiency.
 - (3) Emerald Grow Products, Inc. letter dated May 16, 2000 submitting additional information in response to the Department's technical notice of deficiency issued on March 17, 2000.

- (4) Emerald Grow Products, Inc. letter dated June 16, 2000 submitting additional information in response to requests made during a June 14, 2000 meeting held at the offices of the Department.
- (5) A copy of the Letter of Interpretation/Line Verification dated September 29, 1999 from the Land Use Regulation Program submitted to the Division of Solid and Hazardous Waste on June 27, 2000.
- (6) The following full-size drawings which were prepared by J&B Design Engineering under the supervision of John F. Bickel, P.E.

Dwg. Sheet No. 1 of 5, Site Plan for: The Emerald Grow Products Compost Recycling Center, Revision 2, June 16, 2000.

Dwg. Sheet No. 2 of 5, Site Plan for: The Emerald Grow Products Compost Recycling Center, Revision 2, June 16, 2000.

Dwg. Sheet No. 3 of 5, Site Plan for: The Emerald Grow Products Compost Recycling Center, Revision 2, August 31, 1999.

Dwg. Sheet No. 4 of 5, Site Plan for: The Emerald Grow Products Compost Recycling Center, March 22, 1999.

Dwg. Sheet No. 5 of 5, Landscape Plan, March 22, 1999.

The storage building and corresponding land clearing activities depicted on sheets No. 1 of 5 and No. 4 of 5 of these drawings and the soil blending activities referenced throughout the application are not included with this general approval.

- (7) Emerald Grow Products, Inc. letter dated June 30, 2000 submitting additional information in response to request from the Department via telephone conversation.
- (8) Alman Group's letter dated November 14, 2002 signed by Christopher Daul requesting and supplying information to transfer the Recycling Center General Approval and ownership of the Emerald Grow Products, Inc. Recycling Center to Nature's Choice Corporation.
- (9) Alman Group's letter dated January 27, 2003 signed by Christopher Daul supplying additional information in response to the Department's administrative notice of deficiency dated December 18, 2002.
- (10) Alman Group's facsimile dated April 3, 2003 signed by Christopher Daul supplying additional information in response to the Department's administrative notice of deficiency dated March 19, 2003.

- (11) Alman Group's facsimile dated April 4, 2003 signed by Christopher Daul supplying additional information in response to the Department's administrative notice of deficiency dated March 19, 2003.
- (12) Alman Group's facsimile dated April 14, 2003 signed by Christopher Daul supplying additional information in response to the Department's administrative notice of deficiency dated March 19, 2003.
- (13) Blank Rome's letter dated April 23, 2003 signed by Margaret Hill requesting and supplying information to transfer the Recycling Center General Approval and ownership of the Nature's Choice Corporation. Recycling Center to Nature's Choice Acquisition Company.
- (14) Memorandum dated April 29, 2003 from Margaret Hill of Blank Rome LLP to Timothy Bartle of the Department submitting additional information.
- (15) Blank Rome's facsimile dated May 1, 2003 from Margaret Hill of Blank Rome LLP submitting the proposed lease agreement.
- (16) Blank Rome's facsimile dated May 5, 2003 from Margaret Hill of Blank Rome LLP submitting the agreement and certification statement.
- (17) Blank Rome's facsimile dated May 5, 2003 from Margaret Hill submitting the Asset Purchase Agreement between of Nature's Choice Corporation and Nature's Choice Acquisition Company.
- (b) In case of conflict, the conditions of this approval shall have precedence over the general approval application documents listed above and the most recent revisions and supplemental information approved by the Department shall prevail over prior submittals and designs.
- (c) One complete set of the general approval application documents listed in conditions 3(a)(1) through (17) of this section above, this general approval, and all records, reports including the information required at condition 7(a) of Section I and plans as may be required pursuant to this approval shall be kept on file at the facility and shall be available for inspection by authorized representatives of the Department or delegated agents upon presentation of credentials.
- (d) The holder of this general approval shall retain the services of a licensed professional engineer/surveyor who shall prepare and submit a site plan with final contours to the Department within sixty (60) days from the issuance of this general approval for composting areas A & B. In addition, a site plan with final contours shall be prepared and submitted to the Department prior to the on-site grading within composting area C.

- (e) The holder of this general approval shall submit to the Department within thirty (30) days from the issuance of this general approval a copy of the executed lease agreement between DMR Real Estate Development, LLC and Nature's Choice Acquisition Company. The lease agreement and site plans referenced in (d) above shall be submitted to:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
Office of Permitting and Technical Programs
P.O. Box 414
Trenton, New Jersey 08625-0414

4. Approved Operations

(a) Hours of Operation

All recycling center operations shall be limited to the following schedule:

Monday - Friday 7:00 AM to 5:00 PM.

Saturday 7:00 AM to 12:00 PM.

(b) Material Deliveries

Material deliveries to the recycling center shall be scheduled in such a manner as to minimize truck queuing on the recycling center property. Under no circumstances shall delivery trucks be allowed to back-up or queue onto public roads.

(c) Maximum Daily Capacity

The recycling center may receive no more than 100 trucks per day. No more than 7,200 cubic yards of yard trimmings shall be accepted per day. Of the 7,200 cubic yards, no more than 2,500 cubic yards of yard trimmings in plastic bags may be received.

(d) Equipment Requirements

- (1) The following equipment or equivalent shall be available for site operations and shall be maintained in operable condition:

Scarab Model 18 HYD windrow turner. (This windrow turner shall be dedicated to this facility only.)
Power Screen Trommel Model 830
Komatsu 350 Wheel Loader
Caterpillar 977K Track Loader

Caterpillar 980G Wheel Loader
John Deere Wheel Loader Model 7410
Extec All-Star Screener
Woodchuck Chipper
Frauhaff 78CY. Dump Trailer
East 72 CY. Dump Trailer
A 2,000 gallon capacity mobile water tank (with 40' pendulum boom)

- (2) Requisite facility operations shall not be delayed or neglected for lack of required equipment or for equipment down time.

(e) Operating Area Maintenance

- (1) Those areas of the site subject to vehicular usage shall be maintained suitably compacted, and when necessary surfaced, to provide ample vehicular support in all weather conditions that allows operating equipment to perform all operational requirements contained in this General Approval.
- (2) Initial soil modification and grading performed shall be in accordance with the Site Plan listed at condition 3 of this section. Once original grading is complete, the composting area, material staging/grass mixing area, screening area and access road(s) shall be maintained for the life of the facility in a manner that prevents the accumulation or ponding of surface water.

(f) Incoming Materials Inspection and Handling

Materials staging, inspection and handling shall be conducted only in areas designated for such staging, inspection and handling shown on the approved site plans listed in condition 3 of this section. Each load shall be inspected in accordance with the inspection plan provided by the holder of the general approval in the letter dated November 22, 1999 referenced in condition 4 of this section. This plan specifies that all contaminants shall be removed and placed in roll-off containers at the facility for eventual removal off site for disposal. After the inspection of the incoming material, leaves, grass and brush handling must adhere to the following:

- (1) Loads of yard trimmings in plastic bags shall be directed to the screening area and shall be processed through the Powerscreen Trommel 830 equipped with de-bagging knives (or the equivalent) in order to remove the bags from the yard trimmings prior to placement in the windrows.
- (2) Loads of leaves shall be directed to the windrow area for forming windrows.
- (3) Loads of grass clippings shall be directed to the designated grass staging area for mixing with partially decomposed leaves. Grass clippings shall be mixed at a ratio of one part grass clippings to not less than one part partially decomposed leaves within the working day of receipt.

- (4) Loads of brush containing branches up to 1 inch in diameter, that require processing through the chipper, shall be placed in a pile in the screening area. The maximum allowable volume of brush to be stored on site is thirty (30) cubic yards.

(g) Windrow Management

(1) General Operations

Windrow construction and reconstruction shall be conducted within the confines of the designated areas identified on the approved site plans as cited at condition 3 of this section. Expansion of such activities beyond the designated areas shall require the approval of the Department. The total length of all windrows of Area A at any given time shall not exceed 23,800 linear feet (71,400 cubic yards). The total length of all windrows of Area B at any given time shall not exceed 16,500 linear feet (49,500 cubic yards). The total length of all windrows of Area C at any given time shall not exceed 19,600 linear feet (58,800 cubic yards).

(2) Leaf Windrow Operation

- (i) Upon acceptance, leaves shall be placed in windrows. Windrows shall be constructed (and reconstructed if necessary after turning) to a maximum height of eight (8) feet with a corresponding base not to exceed a maximum of eighteen (18) feet in width.
- (ii) Leaf windrows shall be turned with the Scarab Model 18 HYD windrow turner or the equivalent as approved by the Department listed at condition 4(d)1 of this section.
- (iii) Ample working space shall be maintained between windrows for turning purposes. A minimum separation of ten (10) feet working distance measured from the pile base to the next adjacent pile's base shall be provided to permit movement of turning equipment.
- (iv) After initial formation, windrows shall be turned and reconstructed a minimum of once a week for the first month. Further turnings shall be scheduled to prevent temperatures from exceeding 142 degrees Fahrenheit. and to prevent oxygen levels from dropping below five percent.

(3) Grass Mixing and Windrow Operation

- (i) The grass/leaf mixture described at condition 4(f)(3) of this section shall be blended into existing leaf windrows within twenty-four (24) hours at a ratio of one part grass/leaf mixture to not less than one part of partially decomposed leaves.
- (ii) Any windrows with newly incorporated grass/leaf mixture shall be turned by the end of the next business day with the Scarab Model 18 HYD windrow turner or the equivalent.
- (iii) Further turnings shall be scheduled to prevent temperatures from exceeding 142 degrees Fahrenheit, and to prevent oxygen levels from dropping below five percent.
- (iv) No more than two (2) applications of grass/leaf mixture can be incorporated in any given windrow. Scheduling of the second application of grass/leaf mixture within a windrow shall commence no sooner than thirty (30) days from the initial application.

(4) Wood Chip Mixing

Wood chips generated from the chipping of brush shall be incorporated into windrows within the next business day.

(h) Screening

- (1) When the holder of this general approval determines that material in windrows has reached steady state conditions based on results of temperature and oxygen monitoring, the material from the windrows may be formed into stockpiles within the screening areas as depicted on the Site Plan identified at condition 3 of this section.
- (2) For screening of the stabilized compost, the Extech All-Star Compost Screener or the equivalent shall be available at the site. The material that is separated from the screener as overs are considered residue and as such, shall be containerized and disposed of off site.

(i) Product Monitoring and Sampling Plan

The compost product monitoring and sampling plan shall consist of the following:

- (1) At a minimum one sample of compost product of sufficient size and of equal proportion shall be collected for every 1,000 cubic yards of compost product generated.

- (2) A maximum of ten (10) samples may be composited into a single representative sample that shall be placed in a non-metallic container and thoroughly mixed.
- (3) A minimum of two (2) subsamples of sufficient size and of equal proportion shall be extracted from the representative sample and placed in clean plastic containers. The containers shall then be sealed. One subsample shall be sent to a laboratory for analyses. The laboratory used to perform the analysis shall be certified in accordance with N.J.A.C. 7:18. The second subsample shall be retained at the site so that the Department may conduct follow-up analyses when necessary. The subsample retained shall be clearly marked for identification and stored at the site using proper preservation techniques for a period of 180 days from the date the sample is transferred to the laboratory for analyses.
- (4) A copy of the analytical results shall be submitted to the following address within ten (10) days of receipt by the holder of the laboratory results.

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
Office of Permitting and Technical Programs
P.O. Box 414
Trenton, New Jersey 08625-0414

- (5) Finished compost shall remain on site until the associated analytical results are received by the facility and a determination is made whether the finished product meets the required criteria set forth at 40 C.F.R. Part 503, specifically 40 C.F.R. 503.13(b)(3).
- (6) Material sampling methods, sample preservation requirements, sample handling times and decontamination procedures for field equipment shall conform to applicable industry methods as specified in the NJDEP "Field Sampling Procedures Manual."

(j) Operations Monitoring

- (1) The holder of this general approval shall maintain a facility operations journal which shall include the following:
 - (i) Date;
 - (ii) Sketch of site including windrows, piles in the screening area awaiting screening, and final product storage;
 - (iii) Identification of windrows that have been turned and/or reconstructed each day;

- (iv) Identification of windrows where grass clippings were mixed on any given day;
- (v) Person(s) responsible for journal entry;
- (vi) Name(s) of operator(s);
- (vii) Prevailing wind direction;
- (viii) A general description of any and all activities at the site including, but not limited to:
 - (A) Regrading;
 - (B) Windrow and pile construction, turning and maintenance;
 - (C) Screening;
 - (D) Residue removed from the site for disposal (cubic yards);
 - (E) Distribution of finished compost in cubic yards;
 - (F) Daily recording of beginning and ending and ending hours of the dedicated windrow turning equipment as indicated on its hour meter;
 - (G) Results of any laboratory analysis for finished compost.
- (2) At a minimum, the following activities shall be performed and recorded in the facility operations journal:
 - (i) Inspect the site weekly for ponded water and rut formation and record findings;
 - (ii) Inspect the site periphery weekly for discharge of leachate and record findings;
 - (iii) Measure windrow core temperature in accordance with the following and record the results:
 - (A) One (1) randomly selected location for every one hundred feet of windrow each week for every windrow.
 - (B) One (1) randomly selected location for every one hundred feet of windrow with grass clippings each day for thirty (30) days after the introduction of grass clippings. After thirty (30) days the

measurements shall be taken weekly until grass is reintroduced into the windrow, where it reverts to daily measurements.

- (iv) Measure windrow core oxygen concentration at one (1) randomly selected location for every one hundred feet of windrow on those windrows with grass clippings. Measurements shall be taken once each week for four (4) weeks after the introduction of the grass clippings.
 - (v) Inspect the surrounding area daily (Monday through Saturday) in the vicinity of site, for detection of off-site odors in the surrounding area. After one year from the effective date of this approval this may be reduced to weekly inspections, provided no odor complaints have been registered with State, county, or local health/environmental agencies and provided that no official notification has been made to the holder of this general approval;
- (3) The holder of this general approval shall retain the facility operations journal at the facility for a period of five (5) years. Data collected shall be maintained on site and made available for NJDEP personnel inspection. Also, data collected shall be forwarded to the Department upon request.

(k) Residue

Residue, being the material that evolves from the processing of source separated recyclable material and is subsequently subject to disposal, inclusive of contaminants, shall not exceed 1% by volume of the total volume of the yard trimmings accepted during the year the material containing that residue was received. For the purpose of definition, the year shall start with the first day of the fall season on which leaves are received and end on the same day in the following year.

(l) Dust Control

Methods of effectively controlling dust shall be implemented at the facility in order to prevent off-site migration.

(m) Horizontal Controls

Horizontal control points for all operational areas shall be established and maintained on site. Permanent horizontal limitation markers shall be set at a distance of 1000 ft. from all residential and commercial properties from areas of grass receipt. Within thirty (30) days from the date of issuance of this general approval, a joint site inspection between the holder of the general approval and representatives of the Department shall be scheduled by the holder of the general approval for the purpose of confirming the installation of the markers.

5. Performance Bond

Within thirty (30) calendar days of the date of issuance of this general approval, the holder of this general approval shall provide a Performance Bond or Irrevocable Standby Letter of Credit in the format specified at N.J.A.C. 7:26A-3.4(d) or (e) respectively in the amount of \$250,000.00 to the Division of Solid and Hazardous Waste, Bureau of Resource Recovery and Technical Programs.

6. Remediation of Site

The holder of this general approval shall not accept any new material at the site until the following conditions are met:

- a) Form four (4) equivalent sized piles from the existing large pile of unprocessed material separated by fifty (50) feet, in order to minimize the potential of any fire hazard, within thirty (30) calendar days of the date of issuance; and
- b) Remove the bags from the piles of unprocessed material in piles formed in condition 6(a) above and form into windrows by August 30, 2003.

End of Section III